

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLA CAIN,

Plaintiff,

v.

CINDY BASS.

Defendants.

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CIVIL ACTION

No. 22-0360

ORDER

AND NOW, this **22nd** day of **November 2022**, upon consideration of Plaintiff's Motion to Amend/Correct her Motion for Preliminary Injunction (ECF No. 41), it is hereby **ORDERED** that the Motion is **GRANTED**. Plaintiff's Motion for Preliminary Injunction (ECF No. 15) is deemed amended to include a claim that Plaintiff was denied Fourteenth Amendment due process.

The Court notes the parties have already developed a record regarding due process, which was fully litigated at the preliminary injunction hearing held on September 13, 2022 (ECF No. 33). The record on the Motion for Preliminary Injunction is closed. The Court considers, and has considered, Plaintiff's Amended Complaint (ECF No. 10) and her testimony at the preliminary injunction hearing (ECF No. 33) to include a claim that there was a due process violation and the Court is in the process, and has been in the process, of determining this issue, as

well as all the issues raised and litigated on the record. The due process issue was briefed. The issue was not waived and there was no argument that it was waived. The Court also considers this claim responded to fully by Defendants. The Court will, however, allow Defendants to supplement their preliminary injunction briefing on this issue, if, and to the extent, they deem it necessary.

BY THE COURT:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE